

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-11166

v.

Hon. John Corbett O'Meara

ALVIN L. ROBINSON,

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Before the court is Plaintiff's motion for summary judgment, filed August 12, 2011. Defendant, Alvin L. Robinson, filed a response on September 12, 2011. Plaintiff submitted a reply on October 13, 2011. The court did not hear oral argument.

Plaintiff, the United States of America ("the government"), alleges that Defendant obtained a student loan in 1972 from Advance Schools, Inc. The loan was guaranteed by the Department of Education. The government alleges that Defendant defaulted on the loan obligation in 1975. The government reimbursed Advance Schools and the loan was assigned to the Department of Education for collections. The government alleges that Defendant owes \$3,238.44 as of August 3, 2011.

Defendant contends that he is not the Alvin Robinson identified in the government's Certificate of Indebtedness. The Certificate of Indebtedness shows the last four digits of the borrower's social security number as 6286, which is not Defendant's social security number. See Pl.'s Mot. at Ex. 1. The government acknowledges that there is a mistake on the Certificate of Indebtedness, and that the last four digits of Alvin Robinson's social security number are 6086,

not 6286. See Pl.'s Reply at Ex. 3. All the other loan information from Alvin Robinson's promissory note matches the lender's application for reimbursement from the Department of Education: full name, loan amount, disbursement year, and educational institution. See Pl.'s Reply at Exs. 1-3.

Based upon the records and affidavit provided by the government, the court concludes that there is no genuine issue of material fact that Defendant is the borrower with respect to the loan in default here. See generally Fed. R. Civ. P. 56(c) (summary judgment is appropriate if "there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law"); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986). There is also no genuine issue of material fact that Defendant failed to repay the loan and is in default.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's August 12, 2011 motion for summary judgment is GRANTED. Plaintiff shall submit a proposed judgment for entry.

s/John Corbett O'Meara
United States District Judge

Date: October 20, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 20, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager